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EXAMINER

YIMAM, HARUN M

ART UNIT PAPER NUMBER

2623

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/709,167	<b>Applicant(s)</b> SCHLARB ET AL.	
	<b>Examiner</b> Harun M. Yimam	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 82-105 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 82-105 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Note to Applicant**

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/18/2006 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 42 – 65 and 78 – 81 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 82-92, 94, 95, 97, 98, 100 and 104 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lasky (6,367,078).

Regarding Claim 82, Lasky shows in a television network a terminal for displaying television program information and television programs (col. 4 lines 10-35, EPG system allowing to display category information and television program), the terminal comprising:

a memory configured for storing the first data and a second data (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52), said first data (col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network) including respective program information for a plurality of corresponding television programs (col.

6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), said second data different than the first data, the second data comprising a channel table (electronic program-guide (EPG)) that includes a plurality of assigned categories to television channels (see figure 6B and col. 6 lines 1-30, category information including movies, sports, specials, news, etc, col. 6 lines 50-67, associating channel numbers and categories); and

a processor, coupled to the memory, the processor configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which category is assigned and causing the display of at least one television program (the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67).

Regarding claim 83, Lasky discloses that the processor is further configured to cause the display of program information corresponding to the first data and corresponding to at least one television channel being determined by a corresponding category in the second data (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category). Because Lasky shows that each channel can receive multiple programs with multiple categories (col. 6 lines 1-20, each program designated differed category), subsequently each channel is assigned a

plurality of categories. As shown by the scrolling through of each program of a given category (col. 6 lines 30-65), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 84, Lasky shows that the processor causes the display in a browse banner of at least a portion of the first data including information of the at least one channel based and program information corresponding to the first portion of first data (see fig. 6b, col. 6 lines 30-65, channel number and title of program).

Regarding Claim 85, Lasky shows that the display of the browse banner on top of a portion of the television program is responsive to receiving an input signal to initiate the browse command (col. 6 lines 27-65, indicating that the "channel hat" icon is displayed when a user changes the channel, activating the browser or "channel hat").

Regarding Claim 86, Lasky shows that the processor can display a browser banner to replace a portion of the first data being displayed, the second portion of the first data being displayed according to a display configuration different than the browse banner configuration (col. 5 lines 45-63, col. 6 lines 20-30, displaying program information in a program guide grid and banner system, as opposed to the "channel hat" method).

Regarding Claim 87, Lasky shows displaying the corresponding category assigned to the channel in the banner (fig. 6b, category 624 series (comedy)).

Regarding Claim 88, Lasky shows that the display of the assigned category in the browser banner is responsive to a user selection from one from a plurality of categories (col. 9 lines 55-67, col. 10 lines 1-10, surfing different programs by changing categories).

Regarding Claim 89, Lasky shows that a portion, or selected, category of the plurality of categories is shown to the user in the banner (fig. 6b, category 624 series (comedy)).

Regarding Claim 90, Lasky shows a graphical representation of navigation keys used on a user input device to browse the program information corresponding to the at least one television channel being determined by the corresponding assigned category in the second data (fig. 6b, left and right arrows).

Regarding Claim 91, Lasky shows the processor blocking the tuning of television channels different than the at least one television channel being determined by the corresponding assigned category in the second data (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

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Regarding Claim 92, Lasky shows the processor restricts channel tuning to only the at least one channel being determined by a corresponding assigned category in the second data (col. 6 lines 30-65, scrolling left and right only displays those programs that are within the selected category).

Regarding Claim 94, Lasky shows that the at least one television channel being determined by a corresponding assigned category in the second data has two assigned categories (col. 6 lines 1-20, category information including movies, sports, specials, news, etc., col. 6 lines 50-67, associating channel numbers and categories). As discussed above, because Lasky shows that each channel can receive multiple programs with multiple categories (col. 6 lines 1-20, each program designated differed category), subsequently each channel is assigned a plurality of categories. As shown by the scrolling through of each program of a given category (col. 6 lines 30-65), a channel is designated a certain category at a particular time, which changes to a different category depending on the broadcast information.

Regarding Claim 95, Lasky shows a terminal comprising;

an interface to the television network said interface being capable of receiving a first data and a second data, said first data including respective program information for a plurality of corresponding television programs (col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and

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category information), said second data comprising a channel table (electronic program-guide (EPG)) that includes respective television channel identification for a plurality of television channels and respective associations of one or more categories to each television channel identification (col. 6 lines 30-65, category, title, and channel data); and

a processor configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which category is assigned and causing the display of at least one television program (the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67).

Regarding claim 97, Lasky discloses that the processor is further configured for causing the display of program information in the first data (col. 5 lines 30-45, control program and clock I/O module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category), said program information corresponding to television programs being provided by at least a portion of the plurality of television channels said at least portion of the plurality of television channels being determined by a corresponding association to a first category in the second data (col. 6 lines 30-40, showing existence of other programs within the same category).

Regarding Claim 98, Lasky shows a terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and a channel table (electronic program-guide (EPG)) that includes respective associations of one or more categories for a plurality of corresponding television channels (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 Lines 1-20, receiving program guide information from television distribution network col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information); and

a processor, coupled to the memory, for causing the display of a browse banner on top of a portion of a first television program being displayed responsive to receiving an initial activation of a browse command (col. 5 lines 30-45, control program and block 1/0 module, col. 6 lines 20-67, displaying category with television program, allowing using to select next program that is in corresponding category, fig. 6b browsing banner), said browse banner comprising a first program information in the first data (fig. 6b, title and channel number), said first program information corresponding to a second television program different than the first television program, wherein the processor causes the display of browse banner on top of the first television program without providing the second television program (col. 6 lines 30-40, channel hat showing existence of other programs and channels relating to the selected category), the processor further configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which category is assigned and

causing the display of at least one television program (the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67).

Regarding Claim 100, Lasky shows a terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and a channel table (electronic program-guide (EPG)) that includes a bit field signifying a plurality of television channel categories (col. 5 lines 64-67, col. 6 Lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network, col. 6 lines 1-20, title field, time slot, end offset, start offset, length, and category information), each television channel category being associated with a corresponding plurality of television channels (col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program); and

a processor coupled to the memory (col. 5 lines 30-45, control program and clock I/O module), said processor configured to:

receive a user-selected television channel category (col. 9 lines 55-67, col. 10 lines 1-10, user scrolls through available categories), and

responsive to the receiving the user-selected television channel category, search at least a portion of the channel table and provide program information exclusively for television programs corresponding to television channels associated with the user-selected television channel category (col. 6 lines 30-65, scrolling left and right only displays those program s that are within the selected category),

wherein the processor is configured for simultaneously searching at least a portion of the channel table for data related to at least one channel to which category is assigned and causing the display of at least one television program (the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67).

Regarding Claim 104, Lasky shows a terminal comprising:

a memory configured for storing respective program information for a plurality of corresponding television programs and a channel table (electronic program-guide (EPG)) that includes a bit field signifying a plurality of television channel categories (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program, figure 5 item 52, col. 5 lines 30-45, data input module 56); each television channel category being associated with a corresponding plurality of television channels

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(col. 6 lines 6-65, multiple categories for each channel depending on broadcasted program); and

a processor, coupled to the memory (col. 5 Lines 30-45, control program and clock I/O module), said processor configured to simultaneously searching at least a portion of the channel table and causing the display of at least one television program (the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67. In addition, see fig. 6b, title, channel number, category), wherein the association of the first category to at least one television channel is received by the terminal from the television network (col. 6 lines 1-20, receiving program information including categories from television distribution network).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 93 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (6,367,078) in further view of Amano et al (5,585,865).

Regarding Claim 93, Lasky shows that at least one channel is a plurality of channels corresponding to the assigned category in the second data (col. 6 lines 30-50, existence of other channels in category) and the processor causes the channel tuning to only said plurality of based on an order (col. 6 lines 30-50, channels arranged in numerical order in that particular category).

Lasky fails to disclose that this order is determined by the user.

In analogous art, Amano discloses that the order of channels is determined by a user sorted listing of said pluralities of channels (col. 6 lines 30-50, col. 7 Lines 8-21, programs in a designated channel are ordered based on the number of times the user watches that channel, with is user determined).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to have the user modify the order of listings, as in Amano, so that the user was presented with a highly customized channel line up.

7. Claims 96, 99, 101-103 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasky (6,367,078) in further view of Yuen et al (5,673,089).

Regarding Claim 96, Lasky fails to disclose that one of the categories is a local channel.

In analogous art, Yuen discloses that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 Lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, for the benefit of enabling a user to specify all local channels as a viewing subset, which allows easy access to local programming.

Regarding Claim 99, Lasky fails to disclose that one of the categories is a local channel.

In analogous art, Yuen discloses that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset, which allows easy access to local programming.

Regarding Claim 101, Lasky fails to disclose that one of the categories is a local channel.

In analogous art, Yuen shows that one category could be local broadcast channels (col. 5 lines 55-60, 'network channels, col. 6 lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, so that a user could specify all local channels as a viewing subset, which allows easy access to local programming.

Regarding Claim 102, Lasky shows a terminal comprising:

an interface for receiving data from to the television network said interface being capable of receiving a first data and a second data said first data including respective program information for a plurality of corresponding television program s, said second data comprising a channel table (electronic program-guide (EPG)) that includes a bit field signifying a plurality of categories (col. 5 lines 64-67, col. 6 lines 1-20, program guide database contains record for each program , figure 5 item 52, col. 5 lines 30-45, data input module 56, col. 6 lines 1-20, receiving program guide information from television distribution network col. 6 lines 1-20, title field, time slot, end offset , start offset , length, and category information), each category being associated with a corresponding plurality of television channels, said plurality of categories including a first category (col. 6 lines 1-20, multiple categories, and each program having different categories; because Lasky shows that each channel can receive multiple programs with multiple categories, subsequently each channel is assigned a plurality of categories);

and processor (col. 5 Lines 30-45, control program and clock I/O module), configured to:

receiving a second user input corresponding to the first category (col. 9 Lines 55-65, pressing up and down to select category), and

responsive to the receiving the second user input, simultaneously searching at least a portion of the channel table and causing the display of at least one television program (the processor displays a television program and at the same time, searches for other channels carrying programs in the same category—column 6, lines 31-49. The control program also reads the current time and determines whether any other program is current—column 6, lines 50-67. In addition, see fig. 6b, title, channel number, category), wherein the association of the first category to at least one television channel is received by the terminal from the television network (col. 6 lines 1-20, receiving program information including categories from television distribution network).

Lasky fails to disclose receiving a user input corresponding to the assignment of the first category to a first television channel and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory.

In analogous art, Yuen discloses receiving a user input corresponding to the assignment of the first category to a first television channel (col. 5 lines 10-32, 36-67, col. 6 lines 1-26, user assigning multiple channel themes; user can also assign different channels to different themes (ABC under sports and news), hence assigning the

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channel different categories depending on the type of programming) and responsive to the receiving the first user input, store the association of the first category and the first television channel in the memory (col. 5 lines 10-16, channels stored in theme memory).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the user ability to assign categories to channels, as shown in Yuen, so that the user could customize a variety of display options in order to enhance the viewing experience.

Regarding Claim 103, it is met by the combination of Lasky and Yuen. In particular, Yuen further shows that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 lines 10-20, public broadcasting).

Regarding Claim 105, Lasky fails to disclose that one of the categories is a local channel.

In analogous art, Yuen discloses that one category could be local broadcast channels (col. 5 lines 55-60, network channels, col. 6 Lines 10-20, public broadcasting).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lasky with the ability to designate local channels, as in Yuen, for the benefit of enabling a user to specify all local channels as a viewing subset, which allows easy access to local programming.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY

  
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